

### **REMARKS**

The April 2, 2009 restriction requirement holds that this application contains claims directed to four patentably distinct groups of inventions. More specifically, Applicant is required to elect one of the following Groups for prosecution on the merits under 35 U.S.C. §121:

- Group I – Claims 1-3 and 22 (a damping device);
- Group II – Claims 4-9 (a system with an oil pump);
- Group III – Claims 4 and 10-18 (a system with a controller); and
- Group IV – Claims 19-21 (a method of making a damping device).

In response, Applicant hereby elects the ***Group III*** drawn to a system with a controller ***without traverse***.

Accordingly, Applicant respectfully requests examination of claims 4 and 10-18 since they read on the elected group shown as a system with a controller. Claims 1-3, 5-9 and 19-22 are believed to be directed to a non-elected embodiment. Thus, these claims 1-3, 5-9 and 19-22 can be withdrawn from consideration in this case.

Applicants respectfully reserve the right to file the divisional applications for the non-elected species.

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Prompt examination on the merits is respectfully requested. If there are any questions regarding this application, please feel free to contact the undersigned.

Respectfully submitted,

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